

**Notice of Allowability**

Application No.

09/757,833

Examiner

Russell Frejd

Applicant(s)

DONER, JOHN R.

Art Unit

2128

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to applicant's RCE/Amendment received 26-July-2005.
2. ☒ The allowed claim(s) is/are 1,2,4-17 and 19-33.
3. ☒ The drawings filed on 5.17.01 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
  - \* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

*Russell Frejd*  
**RUSSELL FREJD**  
**PRIMARY EXAMINER**

In re Application of: Doner

***Allowance of Application # 09/757,833***

1. The following communication is in response to applicant's amendment received 26-July-2005.

***Reasons for Allowance***

2. The following is an Examiner's Statement of Reasons for the indication of allowable subject matter. The instant application is directed to a non-obvious improvement over the invention described in U.S. Patent No. 5,623,413, issued to Matheson, the improvement comprising a system and method for managing locomotives in a railyard, including a parking yard and a service yard, based on possible future states of the parking yard and the service yard, wherein a metric is determined for parking decisions using the initial state of the locomotives in the parking yard and the service yard, an inbound schedule is determined that identifies the locomotives arriving on an inbound train consist, an outbound schedule is determined that identifies the outbound train consist to which each locomotive is assigned, whereby the possible railyard parking options and choosing of a present locomotive railyard parking option is determined based on the possible future railyard parking configurations and the metric. Furthermore, the improvement enumerates possible present locomotive railyard parking options and possible future railyard parking configurations arising from each possible present locomotive railyard parking option. This patentable distinction is included in each of the independent claims, nos. 1 and 16. The art of record, either individually or in combination, fails to teach, suggest, or render obvious the useful, concrete and tangible <method for managing locomotives in a railyard> having the corresponding structure which is disclosed in the specification and

In re Application of: Doner

equivalents thereof at least at page 4, line 15 through page 11, line 31, and Figures 1-5. In view of the foregoing, the claims of the present application are found to be patentable over the prior art.

### ***Response Guidelines***

3. Any comments considered necessary by applicant **MUST** be submitted no later than the payment of the Issue Fee and, to avoid processing delays, should preferably accompany the Issue Fee. Such submissions should clearly be labeled "Comments on Statement of Reasons for Allowance".

3.1 Any response to the Examiner in regard to this allowance should be

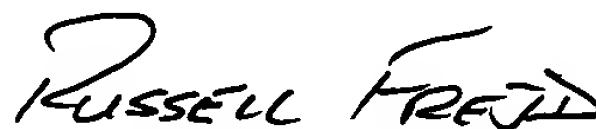
**directed to:** Russell Frejd, telephone number (571) 272-3779, Monday-Friday from 0530 to 1400 ET, or the examiner's supervisor, Jean Homere, telephone number (571) 272-3780. Inquires of a general nature or relating to the status of this application should be directed to the TC2100 Group Receptionist (571) 272-2100.

**mailed to:** Commissioner of Patents and Trademarks  
P.O. Box 1450, Alexandria, VA 22313-1450

**or faxed to:** (571) 273-8300

*Hand-delivered responses should be brought to the Customer Service Window, Randolph Building, 401 Dulany Street, Alexandria, VA, 22314.*

Date: 8-August-2005



**RUSSELL FREJD  
PRIMARY EXAMINER**